

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:21-cv-03104-GJP
Internal Use Only**

ORTIZ v. AMAZON et al

Assigned to: HONORABLE GERALD J. PAPPERT

related Cases: [2:21-cv-03100-GJP](#)

[2:21-cv-03101-GJP](#)

[2:21-cv-03813-GJP](#)

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/12/2021

Jury Demand: None

Nature of Suit: 555 Prisoner Petitions:

Prison Condition

Jurisdiction: Federal Question

Plaintiff

ANDY ORTIZ

represented by **ANDY ORTIZ**

QN-9897

SCI-SOMERSET

1590 WALTERS MILL ROAD

SOMERSET, PA 15510

PRO SE

V.

Defendant

CITY OF PHILADELPHIA

TERMINATED: 05/04/2022

Defendant

BLANCHE CARNEY

IN HER OFFICIAL CAPACITY AS

COMMISSIONER OF THE

PHILADELPHIA DEPT. OF PRISON

TERMINATED: 05/04/2022

Defendant

C/O BARNETT

CORRECTIONAL OFFICER

TERMINATED: 01/11/2022

Defendant

AMAZON

CORRECTIONAL OFFICER

Defendant

PETEL

CORRECTIONAL OFFICER

Defendant

BERNETT
CORRECTIONAL OFFICER

Defendant

LT. HORSEY

Defendant

SGT. WHITE

Defendant




BAILEY
CORRECTIONAL OFFICER




Defendant

TITA
CORRECTIONAL OFFICER


Defendant

MAJOR MARTIN

Date Filed	#	Docket Text
07/12/2021	 1	APPLICATION to Proceed in forma pauperis filed by ANDY ORTIZ..(bw,) (Entered: 07/13/2021)
07/12/2021	2	COMPLAINT against AMAZON, BARNETT, BLANCHE CARNEY, CITY OF PHILADELPHIA, PETEL, filed by ANDY ORTIZ.(bw,) (Entered: 07/13/2021)
07/12/2021	 3	Prisoner Trust Fund Account Statement by ANDY ORTIZ. (bw,) (Entered: 07/13/2021)
07/12/2021	4	MOTION to Appoint Counsel filed by ANDY ORTIZ..(bw,) (Entered: 07/13/2021)
07/12/2021	5	PRO SE NOTICE RE:GUIDELINES (bw,) (Entered: 07/13/2021)
07/13/2021		COPY OF PRO SE GUIDELINES HAVE BEEN MAILED TO PRO SE, ORTIZ. (bw,) (Entered: 07/13/2021)
07/15/2021	6	ORDER THAT MOTION TO PROCEED IN FORMA PAUPERIS IS DENIED WITHOUT PREJUDICE. IF ORITZ SEEKS TO PROCEED IFP HE SHALL WITHIN 30 DAYS OF THIS ORDER, FILE A CERTIFIED COPY OF HIS PRISONER ACCOUNT STATEMENT, ETC. ALTERNATIVELY, ORTIZ CAN PAY \$402 TO THE CLERK OF COURT. MOTION TO APPOINT COUNSEL IS DENIED WITHOUT PREJUDICE. SIGNED BY HONORABLE GERALD J. PAPPERT ON 7/15/21. 7/16/21 ENTERED AND COPIES MAILED TO ORTIZ. (rf,) Modified on 7/16/2021 (rf,). (Entered: 07/16/2021)
07/23/2021	7	MOTION to Appoint Counsel filed by ANDY ORTIZ, Brief. (fdc) (Entered: 07/26/2021)
08/23/2021	8	MOTION to Appoint Counsel, Envelope Attached filed by ANDY ORTIZ..(rf,) Modified on 8/25/2021 (rf,). (Entered: 08/25/2021)
08/23/2021	 9	Prisoner Trust Fund Account Statement by ANDY ORTIZ. *envelope attached* (rf,) (Entered: 08/25/2021)

09/17/2021	10	Letter (undated) by ANDY ORTIZ (fdc,) (Entered: 09/20/2021)
09/17/2021	11	Letter2 (no date given) by ANDY ORTIZ. (fdc) (Entered: 09/20/2021)
10/25/2021	12	MOTION to Appoint Counsel filed by ANDY ORTIZ..(fdc,) (Entered: 10/27/2021)
11/08/2021	 13	Letter re Prisoner Trust Fund Account Statement by ANDY ORTIZ. (fdc) Modified on 11/10/2021 (lisad,). (Entered: 11/09/2021)
12/17/2021	14	AMENDED COMPLAINT against C/O AMAZON, C/O BARNETT, C/O PETEL, C/O BAILEY, CITY OF PHILADELPHIA, BLANCHE CARNEY filed by ANDY ORTIZ.(fdc) Modified 12/21/21 (fdc). (Main Document 14 replaced on 1/4/2022) (ke,). (Entered: 12/20/2021)
12/17/2021	 15	Prisoner Trust Fund Account Statement by ANDY ORTIZ. (fdc) (Entered: 12/20/2021)
01/11/2022	16	MEMORANDUM AND OPINION. SIGNED BY HONORABLE GERALD J. PAPPERT ON 1/11/22. 1/11/22 ENTERED. NOT MAILED TO ORTIZ. (fdc) (Entered: 01/11/2022)
01/11/2022	17	MEMORANDUM AND ORDER THAT LEAVE TO PROCEED IN FORMA PAUPERIS IS GRANTED PURSUANT TO 28 USC SEC. 1915. ANDY ORTIZ, # 1212917, SHALL PAY THE FULL FILING FEE OF \$350 IN INSTALLMENTS, ETC. THE AMENDED COMPLAINT IS DEEMED FILED. THE CLERK OF COURT IS DIRECTED TO CORRECT THE NAME OF DEFENDANT C/O BERNETT ON THE DOCKET. FOR THE REASONS STATED IN THE COURTS MEMORANDUM, THE COMPLAINT IS DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE AS OUTLINED HEREIN. UPON THE FILING OF A SECOND AMENDED COMPLAINT, THE CLERK SHALL NOT MAKE SERVICE UNTIL SO ORDERED BY THE COURT. THE CLERK OF COURT IS DIRECTED TO SEND ORTIZ A BLANK COPY OF THE COURTS FORM COMPLAINT FOR A PRISONER FILING A CIVIL RIGHTS ACTION BEARING THE ABOVE CIVIL ACTION NUMBER, ETC. SIGNED BY HONORABLE GERALD J. PAPPERT ON 1/11/22. 1/11/22 ENTERED. NOT MAILED TO ORTIZ. (fdc) Modified on 1/12/2022 (lisad,). (Entered: 01/11/2022)
01/11/2022		Memorandum and Order (16 & 17) faxed to Warden of Curran-Fromhold Correctional Facility. (fdc) (Entered: 01/11/2022)
01/12/2022		Memorandum and Order (16 & 17) and Prisoner Complaint Form mailed to Ortiz. (fdc) (Entered: 01/12/2022)
02/04/2022	18	AMENDED COMPLAINT against AMAZON, BERNETT, BLANCHE CARNEY, CITY OF PHILADELPHIA, PETEL, filed by ANDY ORTIZ. (NO FEE PAID; NO IFP FILED)(bw,) (Entered: 02/07/2022)
02/28/2022	 19	Letter re: Panel by ANDY ORTIZ, ENVELOPE ATTACHED (rf,) (Entered: 03/01/2022)
02/28/2022	20	MOTION to Appoint Counsel filed by ANDY ORTIZ..(bw) (Entered: 03/02/2022)
03/02/2022	21	ORDER THAT THE CLERK OF COURT SHAL REFER THESE MATTERS TO THE PRISONER CIVIL RIGHTS PANEL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR POSSIBLE APPOINTMENT OF COUNSEL. THE REFERRAL SHALL EXPIRE ON 5/2/2022. SIGNED BY HONORABLE GERALD J. PAPPERT ON 3/2/22. 3/2/22 ENTERED AND COPIES NOT MAILED TO PRO SE.(bw) Modified on 3/3/2022 (bw). (Entered: 03/03/2022)

03/04/2022		COPY OF DOC. NO. 21 HAS BEEN MAILED TO PRO SE. (bw) (Entered: 03/04/2022)
05/04/2022	22	ORDER THAT CLERK OF COURT SHALL REMOVE THESE MATTERS FROM THE PRISONER CIVIL RIGHTS PANEL FOR THE EASTERN DISTRICT OF PENNSYLVANIA. PLAINTIFF MUST REPRESENT HIMSELF AT THIS TIME. SIGNED BY HONORABLE GERALD J. PAPPERT ON 5/4/22. 5/4/22 ENTERED AND COPIES E-MAILED.(bw) (Entered: 05/04/2022)
05/04/2022	23	ORDER THAT THE PLAINTIFF ANDY ORTIZ'S SECOND AMENDED COMPLAINT 18 , IT IS ORDERED THAT: ORTIZ'S CLAIMS AGAINST BLANCHE CARNEY AND THE CITY OF PHILADELPHIA ARE DISMISSED WITH PREJUDICE. THE CLERK OF COURT IS DIRECTED TO TERMINATE BLANCHE CARNEY AND THE CITY OF PHILADELPHIA AS DEFENDANTS IN THIS MATTER. THE CLERK OF COURT IS DIRECTED TO ADD THE FOLLOWING DEFENDANTS TO THE DOCKET: LT. HORSEY, SGT. WHITE, CORRECTIONAL OFFICER BAILEY, CORRECTIONAL OFFICER TITA AND MAJOR MARTIN. THE CLERK OF COURT IS DIRECTED TO AMEND THE CAPTION TO REFLECT THE CAPTION ORTIZ USES IN HIS SECOND AMENDED COMPLAINT. (ECF NO. 18.) THE CLERK OF COURT SHALL ISSUE SUMMONSES; AS OUTLINED HEREIN.. SIGNED BY HONORABLE GERALD J. PAPPERT ON 5/4/22. 5/5/22 ENTERED AND COPIES NOT MAILED TO PRO SE.(bw) Modified on 5/5/2022 (bw). (Entered: 05/05/2022)
05/05/2022	24	Summons Issued as Amended Complaint to AMAZON, BAILEY, BERNETT, HORSEY, MARTIN, PETEL, TITA, WHITE. Forwarded To: US MARSHALS OFFICE on 5/5/22 (bw) (Entered: 05/05/2022)
05/05/2022		SUMMONS, COPY OF ORDER No. 23 AND COPY OF AMENDED COMPLAINT HAS BEEN E-MAILED TO THE U.S. MARSHALS OFFICE. (bw) Modified on 5/11/2022 (bw). (Entered: 05/05/2022)
05/05/2022		DOC. 23 MAILED TO PRO SE. (sg) (Entered: 05/05/2022)
06/01/2022	25	Status Report on Request for USM 285 Form. Initial Notice Mailed 5/24/2022. (bw) (Entered: 06/01/2022)
06/21/2022	26	MOTION to Appoint Counsel filed by ANDY ORTIZ.(bw) (Entered: 06/22/2022)
06/23/2022	27	ORDER THAT THE PLAINTIFF'S MOTION TO APPOINT COUNSEL 26 IS DENIED. PLAINTIFF MUST REPRESENT HIMSELF AT THIS TIME. SIGNED BY HONORABLE GERALD J. PAPPERT ON 6/23/22.6/23/22 ENTERED AND COPIES NOT MAILED TO PRO SE.(bw) Modified on 6/23/2022 (bw). (Entered: 06/23/2022)
06/23/2022		Order #27 mailed to Ortiz. (fdc) (Entered: 06/23/2022)
07/11/2022	28	Status Report on Request for USM 285 Form, INITIAL NOTICE MAILED ON 6/30/2022. (bw) (Entered: 07/11/2022)
08/09/2022	29	ORDER THAT THE CLERK OF COURT IS DIRECTED TO AMEND THE DOCKET TO REFLECT THAT PRO SE PLAINTIFF ANDY ORTIZ'S CURRENT MAILING ADDRESS IS: ANDY ORTIZ, #QN-9897, SCI CAMP HILL, P.O. BOX 200, 2500 LISBURN ROAD, CAMP HILL, PA 17001. IT IS FURTHER ORDERED THAT THE CLERK OF COURT SHALL RESEND THE JULY 13, 2022 ORDER (ECF 3) FILED IN ANDY ORTIZ V. KEEFE COMMISSARY 22-CV-2443 TO PLAINTIFF ORTIZ'S CURRENT MAILING ADDRESS. SIGNED

		BY HONORABLE GERALD J. PAPPERT ON 8/9/22. 8/9/22 ENTERED AND COPIES MAILED TO PRO SE.(bw) (Entered: 08/09/2022)
10/27/2022	30	Summons Returned Unexecuted by ANDY ORTIZ as to AMAZON, BAILEY, BERNETT, HORSEY, MARTIN, PETEL, TITA, WHITE. (CITY UNABLE TO VERIFY EMPLOYMENT ON ALL NAMED DEFENDANTS) (bw) (Entered: 10/28/2022)
11/02/2022	31	NOTICE of Change of Address by ANDY ORTIZ(bw) (Entered: 11/03/2022)
11/03/2022	32	ORDER THAT THE CLERK OF COURT IS DIRECTED TO REISSUE SUMMONSES FOR THE FOLLOWING DEFENDANTS: LT. HORSEY, SGT. WHITE, CORRECTIONAL OFFICER BERNETT, CORRECTIONAL OFFICER AMAZON, CORRECTIONAL OFFICER BAILEY, CORRECTIONAL OFFICER TITA, CORRECTIONAL OFFICER PETEL, AND MAJOR MARTIN. SERVICE OF THE SUMMONSES AND THE SECOND AMENDED COMPLAINT (ECF NO. 18) SHALL BE MADE UPON THESE DEFENDANTS BY THE U.S. MARSHALS SERVICE. ORTIZ WILL BE REQUIRED TO COMPLETE USM-285 FORMS FOR EACH OF THESE DEFENDANTS SO THAT THE MARSHALS CAN SERVE THE DEFENDANTS. FAILURE TO COMPLETE THOSE FORMS MAY RESULT IN DISMISSAL OF THIS CASE. IN THE EVENT A SUMMONS IS RETURNED UNEXECUTED, IT IS ORTIZ'S RESPONSIBILITY TO ASK THE CLERK OF COURT TO ISSUE AN ALIAS SUMMONS AND TO PROVIDE THE CLERK WITH THE DEFENDANTS CORRECT ADDRESS, SO SERVICE CAN BE MADE. SIGNED BY HONORABLE GERALD J. PAPPERT ON 11/3/22. 11/4/22 ENTERED AND COPIES NOT MAILED TO PRO SE.(bw) (Entered: 11/04/2022)
11/04/2022	33	Summons Issued as to AMAZON, BAILEY, BERNETT, HORSEY, MARTIN, PETEL, TITA, WHITE. E-MAILED To: US MARSHALS OFFICE on 11/3/22 (bw) (Entered: 11/04/2022)
11/04/2022		SUMMONS, COPY OF ORDER No. 32 AND COPY OF AMENDED COMPLAINT HAS BEEN E-MAILED TO THE U.S. MARSHALS OFFICE. (bw) (Entered: 11/04/2022)
11/04/2022		Order 32 mailed to Ortiz. (fdc) (Entered: 11/04/2022)
01/09/2023	34	NOTICE of Change of Address by ANDY ORTIZ(bw) (Entered: 01/10/2023)
01/13/2023	35	Letter dated 1/13/23 Re: Status Update (Attachments: # 1 Docket Sheet). MAILED TO PRO SE.(kf) (Entered: 01/13/2023)
02/06/2023	36	Plaintiff's Request to File by ANDY ORTIZ. (bw) (Entered: 02/08/2023)
06/20/2023	 37	MOTION FOR SUMMONS, EXHIBIT filed by ANDY ORTIZ. *ENVELOPE ATTACHED*(rf,) (Entered: 06/21/2023)
07/17/2023	38	Plaintiff's Request For Alias Summons by ANDY ORTIZ. (bw) (Entered: 07/18/2023)
07/19/2023	39	Summons Issued as to AMAZON, BAILEY, BERNETT, HORSEY, MARTIN, PETEL, TITA, WHITE. E-MAILED To: U.S. MARSHALS OFFICE and MAILED to: PRO SE on 7/19/23 (bw) (Entered: 07/19/2023)
07/20/2023		Summons (#39) mailed to Ortiz. (fdc) (Entered: 07/20/2023)